Deputy President.—The question is that section 1 stand part of the Bill.

1. (1) This Act may be called the Cochin Rubber Control (Amendment) Act, of 11 .

Short title and commencement.

(2) It shall come into force on such day as the Government may by notification in the Cochin Government Gazette, direct.

Section was put and carried.

Deputy President.—The question is that the Title and Preamble stand part of the Bill.

THE COCHIN RUBBER CONTROL ACT AMENDMENT BILL.

Whereas it is expedient to amend the Cochin Rubber Control Act, XXXIV of 1111; it is hereby enacted as follows:—

Preamble.

Title and preamble were put and carried.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I move that the Bill may be taken up and finally passed tomorrow.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—I second it.

Motion was put and carried.

The Cochin Land Conservancy Act Amendment Bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Sir, I rise to introdnce the Cochin Land Conservancy Act Amendment Bill. I shall read the statement of objects and reasons attached to the Bill and leave if necessary to the Diwan Peishkar to kindly explain the provisions of the Bill. "Government understand that by the deepening of the lands by the adjacent land owners considerable damage is caused to earthen roads particularly in the backwater areas by the washing away of the earth. In order to prevent such indiscriminate deepening of land on the part of the owners it is found necessary to incorporate provisions in the Land Conservancy Act insisting upon the parties to obtain the sanction of the Diwan Peishkar prior to such deepening." I hope this is quite clear. Hon'ble Members who have travelled along the roads will have noticed that in some places the lands adjacent to the roads are cut down. Just on the brink of the roads there will be fences and on the other

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side there will be nothing. "Further Government consider that it is expedient to amplify the law relating to the eviction of private parties from Government lands, the imposition of fines with regard to continued unauthorised occupation even after notice to quit has been given in writing and also with regard to the immunity of officers engaged in effecting evictions under the Cochin Land Conservancy Act IV of 1096. Government have become aware that of late some occupiers of Government lands have been persistently giving trouble with regard to evictions and consider that the amplications of law as now proposed is quite necessary in the interests of the adequate conservation of Government land." This will be more explained in detail if necessary by the Diwan Peishkar. I move that the Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—I second it.

Motion was put and carried.

Secretary to the Council.—The title of the Bill is "the Cochin Land Conservancy Act Amendment Bill."

Mr. A. Sivarama Menon *(Mulankunnathukavu).*—This is certainly not a simple matter. There are certain difficulties. I think it is better that it is sent to a Select Committee. I think this is not an urgent matter for the Government like the other Bills.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—If it is the general desire of the members that this Bill should be referred to a Select Committee then I have no objection.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—If any explanation is necessary, I will give it.

Dr. A. R. Menon *(Pallippuram).*—Are you asking for some more powers?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—I am asking for less powers. The only power that I have now is to arrest a man and send him to jail. This amendment gives me in certain cases a two-fold power. In the coastal areas, there are roads and they are sandy. When people owning parambas adjoining the poromboke roads dig in their parambas the road topples down. Technically speaking they dig in their own land and their action will not be encroachments. Such action can be made now only with the permission of the Diwan Peishkar.

Dr. A. R. Menon *(Pallippuram).*—For digging in their own lands, you want Government sanction?

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Mr. K. Achyuta Menon *(Diwan Peishkar).*—What I am asking now is that such action should only be done with the permission of the Diwan Peishkar. If you dig on the side of a sandy road, the poromboke road will be injured. In our law as it stands now, there is no way to protect the Poromboke roads from this danger. It is for the Government to take some steps to protect those roads. If you say that damage done to poromboke roads should be allowed to go unchallenged then the amendment can be opposed. I am bringing to your notice, the defect in our law. The poromkoke roads are meant for the convenience of all. It was the Director of Panchayats who brought to my notice that roads are so damaged by indiscriminate digging by the owners in the adjacent lands. I said that there is no remedy in our law for that. I am only explaining the object which is underlying this legislation. It is perfectly harmless. In other cases of poromboke encroachment, an owner for instance, builds in such a fashion that one half of a building is in the owner's land, and the other half of the building is in the adjoining poromboke. When I ask the man to demolish that portion which has encroached upon the poromboke, he says, I am not going to do it. He asks me to come and demolish the thing. The man says in effect demolish only your portion. But if you do any damages to my portion I will hold you liable for damages. What I seek by this amendment is to make him liable for a recurring fine if he does not obey the order.

P. C. Varkey *(Ernakulam North).*—Are there any objections to send the Bill to a Select Committee?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—There is nothing in the Bill. It is a harmless thing. If you want, you can do that. I am only explaining the thing. Therefore, if you want a Select Committee we do not object. But do not imagine that we are trying to harass the landowners in any way.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South).*— ഒരാളുടെ പറമ്പു താഴ്ത്തിയാൽ അയാളുടെ പറമ്പിൽക്കൂടി റോഡുവരുമെന്നു വിചാരിച്ചു അയാൾ പറമ്പു താഴ്ത്താതിരിയ്ക്കുമോ?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—Suppose such digging is going to benefit only the owner of the land and it injures the poromboke, the encroacher should be made liable.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South).*— റോഡുവേണമെന്ന് അവക്കെല്ലാം ആഗ്രഹമുണ്ട്. അതിനേക്കാൾ ഇൻറെറസ്റ്റഡ് ആണ് പറമ്പുനന്നാക്കുക എന്നുള്ളതു്. റോഡിന് ഏകദേശം ഒരു ഭണ്ഡു വീ

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തി ഉണ്ടായിരിയ്ക്കും; എന്നാൽ ആ പ്രദേശം മുഴുവനും താഴ്ത്തണമെന്നു വന്നാൽ എന്തുചെയ്യും?

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—This does not affect in any way the normal use of a paramba.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South)*.— ലാ മെമ്പർക്കറിയാമെന്നു തോന്നുന്നു ആ സംഗതി.

മിസ്റ്റർ തോമസ് മാഞ്ഞൂരാൻ *(Government Advocate and Law Officer)*.— അവിടെ ചെയ്യാവുള്ളതു് വെട്ടുവഴി താഴ്ത്തുകയാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South)*.— ഇതു പാസ്സായാൽ വെട്ടുവഴി താഴ്ത്താമോ?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Sanction will be accorded to use his paramba as the owner wishes unless that will interfere with the road. I know that in our place, Vypeen Island, in several places, the pathway has also to be lowered by the man who lowers his paramba. In such cases he will get the permission if he applies for it. Everyone in our place does it. It is all done by the landowner. But the difficulty is this. When there is provision for digging, at least the owner should see that sudden danger is obviated. For instance, I had to go to Cranganur. This is what actually happened. My car was going one way and another car was coming the other way. We went alongside the fencing, but one man who was standing there shouted, don't go, don't go. We looked out and saw that the road was going downwards like anything. Had we gone a few feet further the car, driver and myself would have toppled down. Therefore if at all this Bill has to be referred to a Select Committee, let it be a small Committee and let it expedite the whole thing in a short space of time.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuvas North)*.— പർമിഷൻ വാങ്ങുന്നതിനു വല്ല ചിലവുമുണ്ടോ?

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—Absolutely no stamp. Any reasonable digging will be permitted.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *Ezhuvas South)*.— പറമ്പു താഴ്ത്താതെ നിവൃത്തിയില്ല. പർമിഷൻ കൊടുത്തില്ലെങ്കിൽ പറമ്പു് എങ്ങിനെ താഴ്ത്തും? അതിനുള്ള പ്രൊവിഷൻ ഇതിലുണ്ടോ?

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—Even if the party wants to benefit himself should it be done after doing injury to the public?

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മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South)*.— പറമ്പു താഴ്ത്തണ്ടതു് ഗവർമ്മെൻറിന്റേയും ജനങ്ങളുടേയും ഒന്നുപോലെയുള്ള ആവശ്യമാണു്. അതിനുള്ള പർമിഷൻ കൊടുക്കുമോ എന്നാണു ചോദിക്കുന്നതു്?

Deputy President.—Anyhow this is going to be referred to a Select Committee.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I move that a small Select Committee consisting of the Diwan Peishkar, Dr. A. R. Menon, Messrs. A. Sivarama Menon, K. Ayyappan and K. M. Ibrahim may be asked to consider the Bill and report expeditiously.

Mr. K. P. Kannan Nayar *(Secretary to Government)*.—I second it.

Mr. K. S. Panickar *(Ezhuvas North)*.—I oppose.

Motion that the Bill be referred to the Select Committee was put and carried.

Deputy President.—I nominate the Diwan Peishkar as the Chairman of the Committee. The Committee will report within six weeks.

The Cochin Suits Valuation Act Amendment Bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I beg to introduce the Cochin Suits Valuation Act Amendment Bill.

Mr. K. P. Kannan Nayar *(Secretary to Government)*.—I second it.

Motion was put and carried.

Secretary to the Council:—The title of the Bill is

"The Cochin Suits Valuation Act Amendment Bill".

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—The Lawyer members of this House will certainly expect that this Bill will be scrutinised by a Select Committee. I beg to move that the Bill be referred to a Select Committee consisting of the Deputy President, Messrs. M. Sivarama Menon, P. Govinda Menon, P. I. George, T. K. Nayar and the mover.

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